

PARENTAL DEFENSE NEWSLETTER

AUGUST 2006

SPECIAL NEEDS FUNDING



Caption describing picture or graphic.

DCFS is required to provide in-home preventive services designed to prevent family breakup and family preservation services. See, e.g. UCA 62A-

4a-105 Division Responsibilities. To that end, DCFS maintains placement prevention/disruption funds for the “purpose of assisting families in meeting immediate financial needs, individualizing Child and Family Plans or accessing specialized services when meeting the identified needs will directly contribute to the goal of maintaining children in their homes.”

DCFS Practice Guidelines, Sec. 706.2, Philosophy and Purpose of the Placement Prevention/Disruption Funds (PP/D).

PP/D funds are “uncommitted, noncategorical funds, available

and easily accessible to caseworkers and the child and family team at the case level. Id. The funds are “intended to expand the ability of Child and Family Services to respond to the unique needs of children and families beyond that possible when inflexible categorical services that may be relevant to only one specific need.” Id.

When accessing these funds, “Child and Family Services staff should remember that an underlying goal is to bring services to the child and family’s environment, rather than

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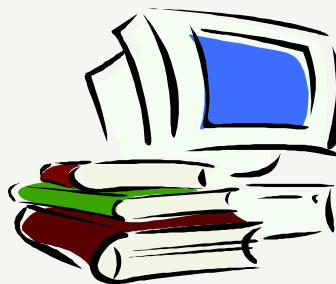
IN HOME SERVICE
FUNDS CAN BE USED
TO STABILIZE A FAMILY
IN HOME OR TO
ELIMINATE THE NEED
FOR A CHILD TO BE
BROUGHT INTO CHILD
AND FAMILY
SERVICES CUSTODY.



PDA To Make Hardcopies of Practice Guidelines Available

The Parental Defense Alliance is committed to supporting parental defense counsel in their representation of parents involved in DCFS abuse and neglect actions. To that end, the PDA will make hardcopies of the DCFS Practice Guidelines available at no cost (read: FREE) to public defenders representing parents in abuse/neglect proceedings in the juvenile court.

The guidelines are available online at the DCFS



website:
www.hspolicy.utah.gov/DCFS/.

Through its interactions with parents counsel across the State, the PDA has learned that many attorneys do not have ready

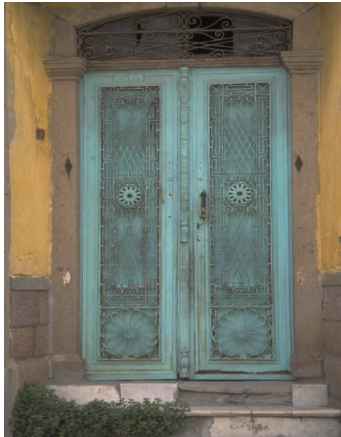
access to the internet. We hope that making the Practice Guidelines available to defense counsel in a hard-copy form will encourage its use throughout counsel’s representation.

If you would like to reserve your copy now, please call John Norman at 801-718-6465 or Sharon Sipes at 801-394-7870. If you have email access, you can also reserve your copy by sending an email to ParentsDefense@aol.com,

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Special Needs Funding, continued...



DCFSs' goal is to bring services to the child and family environment

“AN UNDERLYING GOAL IS TO BRING SERVICES TO THE CHILD AND FAMILY’S ENVIRONMENT, RATHER THAN LIMITING PARENTS, AND ESPECIALLY CHILDREN, TO SERVICES THAT ARE ATTACHED TO A PLACE OR LOCATION.”

DCFS PRACTICE GUIDELINES, 706.2

Limiting parents, and especially children, to services that are attached to a place or location.” DCFS Practice Guidelines, 706.2.

Caseworkers may intervene when necessary to prevent removal or placement disruption and provide allowable services when the cost does not exceed \$500. Id. Allowable services includes, but is not limited to, the following:

- Rent
- Housing deposit

- Utility deposit
- Automobile Repairs
- Gasoline
- Food
- clothing
- child care supplies
- household supplies
- child day care
- homemaker services

For additional information, please see Section 706.2 of the Practice Guidelines. Other expenses will be considered on an individual basis. Id.

When a need is identified to maintain a child in the home, and the services is not available through existing division contracts, “the caseworker and their supervisor WILL consult with the regional contract specialist to develop the resource.” Id. (emphasis added).

In-home service funds can be used for “any special need determined by the caseworker and/or regional director to stabilize a family in home or to eliminate the need for a child to

be brought into Child and Family Custody.” Id. Funds are also available to assist in the reunification of a child with parents. However, defense counsel should assess cases to determine whether DCFS accessed special needs funding in order to avoid removal of a child in the first place. The argument should be made that reasonable efforts were not made to avoid removal if caseworkers don’t consider the use of special needs funding.

Family preservation funds can be used for special needs required to maintain the family structure and to keep a child with their family. Id.

Please bring this funding source to the attention of caseworkers who are not familiar with their availability and to the court when as it considers DCFS’s reasonable efforts.



Expert Consultation Fee Assistance Offered By Parental Defense Alliance

The Parental Defense Alliance realizes that there are instances in which defense counsel have a need to consult with an expert but don’t necessarily need to retain one. Those cases might include discussion with a mental health professional in order to gain an understanding or insight into a diagnosis given one of their clients, a medical professional to understand treat-

ment needs or medical care at issue; drug treatment or mental health therapy benefits; or, perhaps the biomechanics of a particular injury to a child allegedly caused by the actions of a parent.

The Parental Defense Alliance can provide funding to a particular expert for your consultation. Consideration for com-

pensation will be on a case-by-case basis. Requests may be made by calling John Norman at 801-718-6465 or Sharon Sipes at 801-394-7870. If you have email access, you can also send your request to ParentsDefense@aol.com.





Emergency Kinship Placements

According to DCFS philosophy, Kinship care is the “first option assessed and considered when a child must be separated from his or her parents.” DCFS Practice Guidelines, 500.2, Kinship—Philosophy. DCFS must provide services and supports to child, parents and kinship caregivers. Id.

The “guiding principles” directing the preference for kinship placement recognizes that kinship care strengthens and support families to meet the needs of children by:

- Making it possible for children to live with persons they may already know and trust;
- Reducing trauma that children may experience when placed with strangers;
- Reinforcing children’s family history, culture, and sense of identity;
- Maintaining children’s connection with their siblings and other family members;
- Assisting families to consider

and rely on family resources and strengths;

-Supporting families to provide children the support they need.

PRIOR to placing a child in shelter care, the CPS worker may place a child in a temporary emergency kinship placement, at the request of the child’s parent or guardian, OR AT HIS OR HER OWN DISCRETION. DCFS Practice Guidelines, 501.

Remember that administrative rules adopted pursuant to a statutory grant of authority have the full force and effect of law. V-1 Oil Co. v. Dept of Environ. Quality, 904 P.2d 214 (Utah App. 1995). Not only is there a legislative mandate for kinship placement, Human Services, has adopted Rules providing for Kinship care as well. The Rules, found at R512-500-1, form the bases for the “guiding principles” reiterated in the practice guidelines regarding kinship care.

Legislation—Administrative

Rules—David C.—Practice Guidelines form the family’s protective quadrangle directing DCFS to first consider kinship placements.

Relatives willing to provide emergency kinship care must be willing to provide the names of all persons living in their household, including their maiden names; provide the social security numbers for all persons living in the household, provide copies of drivers licenses or other identification for all persons in the household, as applicable.

If kinship information is provided to the CPS worker at the onset of the investigation, there are few reasons why DCFS should not be prepared to report to the court at the shelter hearing on the kinship placement. Defense counsel should consider asking the court to direct DCFS to put their efforts to investigate kinship on the record as part of the reasonable efforts inquiry.

ADMINISTRATIVE
RULES ADOPTED
PURSUANT TO A
STATUTORY GRANT
OF AUTHORITY
HAVE THE FULL
FORCE AND
EFFECT OF LAW.

Motivational Interviewing: Upcoming Free Seminar

The Parental Defense Alliance will conduct a half-day seminar on Motivational Interviewing with a presentation by Dr. Brad Lundahl from the University of Utah College of Social Work. Application has been made to the Bar for CLE approval.

This introduction to motivational interview techniques is intended to encourage optimal attorney-client, attorney-witness, attorney-agency, attorney-attorney communication to

benefit and enhance the outcomes for parents.

The Seminar will be held in Salt Lake City, at a location as yet to be determined, and will be open to parental defense counsel.

Watch your email inboxes in the future for additional information about the seminar and for registration information.



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“Government is not reason; it is not eloquence. It is force. And Force, like fire, is a dangerous servant and a fearful master. George Washington.

Performance Milestone Plan: What is it?

Check out the
website: [www.
parentaldefense
.utah.gov](http://www.parentaldefense.utah.gov)

The Division of Child and Family Services, in cooperation with the Child Welfare Policy and Practice Group, developed the Performance Milestone Plan to detail how DCFS will improve services to its clients in Utah.

The nine “milestones” include:

Milestone 1—Practice model development, training and implementation

Milestone 2—Systems Investment

Milestone 3—System Management Structures

Milestone 4—Priority Focus Areas

Milestone 5—Accountability Structures

Milestone 6—Trend Data Analysis

Milestone 7—Case Process Review

Milestone 8—Qualitative Case Record Review

Milestone 9—Quality Improvement Committees

The plan was prepared pursuant to court order in the David C. litigation. The David C. monitoring panel made a number of recommendations to improve DCFS, including the implementation of the Practice Model which has been the focus of a number of the Parental Defense Alliance Newsletters.

DCFS believes that improvement in the child welfare system in Utah will be realized when the agency, given adequate resources and operating under a clear Practice Model, measures and achieves its outcomes, and then makes appropriate adjustments based on the measured outcomes.

What role does the Practice Guidelines play in this Plan to improve Utah’s child welfare system? The Practice Guidelines—the steps developed to

carry out the Practice Model—creates clear performance expectations.

Milestones 2– 9 have little direct implications for parents. Milestone 1, however, concerns the practice model development. According to the Milestone Plan, the Practice Model “informs front-line staff members of what is expected in their daily work.” Utah Division of Child and Family Services, The Performance Milestone Plan, page 13. Foster parent training on the Practice Model is also provided and foster parents are, expected to implement the Practice Model principles.

Understanding the Rules DCFS must operate under will help parents counsel understand DCFS obligations and considerations in making its reasonable efforts to maintain children in their home or return children home as soon as possible.